



**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689  
**OFFICE OF THE PLANNING BOARD**

**WEDNESDAY -- JANUARY 24, 2007 - 7:30 PM**  
**TENTATIVE AGENDA**

**CALL TO ORDER**  
**ROLL CALL**

**ZBA REFERRAL:**

1. **LOMBARDI/VINCENZO (07-02) LAWRENCE AVENUE (LOMBARDI)**  
Proposed two-lot residential subdivision.

**PUBLIC HEARINGS:**

2. **CLARINO PROPERTIES (06-15) RT. 300 (COPPOLA)** Convert single family dwelling into office space with addition.

**REGULAR ITEMS:**

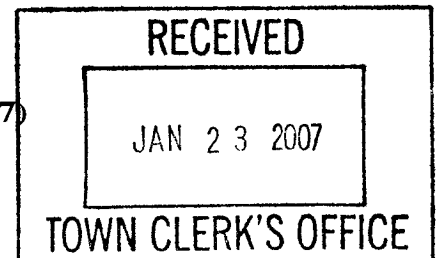
3. **KEILLY ESTATES SUBDIVISION (03-01) LAKESIDE ROAD (Dillon)**  
Request for reapproval.
4. **TLC DAYCARE CENTER SITE PLAN & SPEC. PERMIT (TORRES)**  
**(06-26)** RT. 94 Proposed daycare center .
5. **NEW WINDSOR SENIOR HOUSING (07-01) RT. 32 (Pietrzak & Pfau)**  
Proposed 96-unit, 1-bedroom affordable housing units.

**CORRESPONDENCE**

6. **MEADOWBROOK ESTATES (01-42) REQUEST FOR 6-MONTH**  
**EXTENSION OF PRELIMINARY APPROVAL TO EXPIRE 2/11/07.**

**ADJOURNMENT**

**(NEXT MEETING -FEBRUARY 14, 2007)**



January 24, 2007

1

TOWN OF NEW WINDSOR

PLANNING BOARD

JANUARY 24, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
NEIL SCHLESINGER  
HENRY VAN LEEUWEN  
HOWARD BROWN  
JOSEPH MINUTA

ALTERNATES: DANIEL GALLAGHER  
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

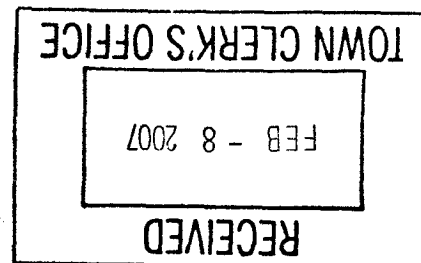
MYRA MASON  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the January 24, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



January 24, 2007

2

MR. ARGENIO: Alyssa, would you come up here, please? Alyssa is from Little Britain School, she's doing a report on public government and I told her she can come up and sit up on the dais with me tonight. Come up here. On top of which, she's my daughter, she's doing a report.

ZBA\_REFERRAL:

---

LOMBARDI/VINCENZO\_(07-02)

---

MR. ARGENIO: First is ZBA referrals, Lombardi/Vincenzo 2 lot residential subdivision. The application involves an existing lot with two residences, subdivision to result in a lot for each existing residence is proposed. Is somebody here to represent this? Property's in the R-4 zoning district of the Town, required zoning information on the plan is correct for the zone, use based on the provided information on the bulk table, the application will require several variances. Sir, can I have your name for the record, please?

MR. VINCENZO: Phil Vincenzo.

MR. ARGENIO: Would you tell us what you want to do and the variances that are required?

MR. VINCENZO: Basically, what I want to do is we have two houses on one property, we have Mr. Lombardi and we want to on a map on the survey you can see we just want to divide the center line and make it two separate single residences instead of two homes on one property, just kind of like so we don't have to rent them out, want to just make them single family homes.

MR. ARGENIO: The house that's labeled Cape Cod, does that exist today?

MR. VINCENZO: Yes.

MR. ARGENIO: Goes through the house, right now the property line goes through the house?

MR. VINCENZO: Property line will be going right through the house.

MR. SCHLESINGER: No, no, no, it goes through the house right now?

MR. VINCENZO: Currently the two houses are on one property.

MR. EDSALL: Those are the old strip deed lines.

MR. VINCENZO: You're looking at four lots.

MR. ARGENIO: I'm seeing the property line currently goes right through the house, is that correct?

MR. VINCENZO: Actually, this is all one property, actually, four these are all old maps and there's four lot lines, the proposed line is going to be right through the middle of the two properties.

MR. VAN LEEUWEN: You want one property split it into two?

MR. VINCENZO: Yes, there's two houses that exist, it has Town sewer, Town water, all that stuff. The only thing I want to show you here what I propose this is our piece of property here, you don't have a map, it's a lot map and all these ones in the pink, all these ones that I pinked in after we, if our proposal goes through after they split all these properties on here it would be more conforming to the lots that are there now cause all these are the same size after the lot is split.

MR. ARGENIO: Mark, are there any anomalies, anything I'm missing?

MR. EDSALL: No, very straightforward and it's currently a non-complying situation with the two residences on the single lot so they're looking to eliminate that noncompliance by creating two lots but that needs variances cause of the size.

MR. ARGENIO: You're taking a bad situation and trying to make it better.

MR. VINCENZO: Yes, basically all we want to do is put a line down the middle of the property, it will be more conforming after the fact.

MR. ARGENIO: I will accept a motion if somebody deems fit that we assume lead agency under SEQRA.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Position has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency under SEQRA process. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Unless somebody sees something here that I'm not seeing, I'd like to move it along to the zoning. Do I have a recommendation?

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare the Lombardi/Vincenzo subdivision application incomplete at this time. If there's no further discussion from the

January 24, 2007

6

board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You have been referred to the zoning board with a positive recommendation. Let the record reflect that Mike has joined us.

PUBLIC\_HEARINGS:

---

CLARINO\_PROPERTIES\_(06-15)

---

MR. ARGENIO: Clarino Properties represented by Mr. Coppola. This application proposes conversion of a residence to an office building, construction of an addition and site plan improvements. The application was previously reviewed at the 10 May, 2006, 13 September, 2006 planning board meetings. The application is before the board for a public hearing night. Folks, for those of you who are not familiar with our procedure, we will review it as a planning board first and then we'll open it up to the public and somebody has any comments for or against you'll raise your hand, you'll be recognized at the time and we'd certainly like to hear what you have to say. Anthony, tell us where you're at with this. There was quite a bit of discussion about this last time we were here, it's, you remember this one, right, Neil, Joe? This is the one we did a site visit on.

MR. MINUTA: Yes.

MR. ARGENIO: What do you have here?

MR. COPPOLA: Thank you, Mr. Chairman. I will just do a brief overview of the project. I will talk about what we're proposing to do with the building, with the parking, with the entrance, discuss what we're doing architecturally with the building and what we're going to do to mitigate drainage and some of our impacts. Basically, for those of you who know the property, this is an existing one story wood frame house of approximately 1,380 square feet, I think it's a three bedroom house with an existing garage. What we're proposing to do is essentially convert this existing house into an office building that would be a total of 6,000 square feet. From the front the basic existing building will remain and the addition that we're going



to do is entirely in the rear. Now this property slopes down away from Temple Hill Road almost entirely away from Temple Hill Road and what we have an existing house right now, and existing basement of the house is basically if you were to walk around the rear of that basement it's a walk-out basement so that basement is in the rear. This property slopes right down so that existing basement is part of the conversion into the office space and then effectively in the rear here there's going to be a two story office and what I will do is I will jump a little bit to the architectural and then I'll come back to the site plan. This is colored drawings that we had proposed earlier in the year and basically what it shows is this is the elevation from Temple Hill Road. I have some photos if anybody wants to see what the house looks like now but it's a dated house, it's a typical for when it was constructed that look and kind of a very plain and low sloping roof.

MR. ARGENTIO: Early '60s probably.

MR. COPPOLA: Yeah, exactly, thank you. We're going to basically like I said gut the interior and all the existing windows would be removed so all the new windows here that we're showing are going to be new, we're going to do a new reverse gable in the front and highlight a few entrances so that what you'll see from the road is a steeper roof so the roof right now is 4 on 12, it's going to be steeper roof, maybe 8 on 12 so you'll see more of the roof that will enable us to do the reverse, we'll do a couple dormers so it's not quite as plain and then in the rear that's where this portion comes into play that's all new, you really can't see that from the road but as you drive around or as you walk around that's going to be where more than half of the office space is going to be. So that the grade basically falls away down at that point and we're going to basically have an entrance on the upper level and we'll have a second entrance on the lower level

here or actually towards the back here. So we're going to come up with an entirely new vocabulary for the exterior materials that will include new concrete, I'm sorry, cultured stone siding, new siding, I'm not sure if we went with a cement or vinyl siding but we have called out all our colors here, I think that's vinyl and a new fiberglass shingle for the roof with shutters and everything and we worked on this elevation because we're within 300 feet of a registered historic landmark and that required us to show these drawings to the New York State Office for Historic Preservation and the Palisades Park which I think monitors or maintains the site across the street. So this is something we worked on earlier in the year and they had seen these drawings. So again back to the site it's an L-shaped building, there's going to be a total of I said 6,000 square feet in the Town of New Windsor that requires a sprinkler system under the Town of New Windsor sprinkler ordinance.

MR. ARGENIO: Wait a second, say that again, please.

MR. COPPOLA: There's a total of 6,000 square feet for the office space that requires a sprinkler system.

MR. ARGENIO: That includes the square footage in the basement, yes?

MR. COPPOLA: Yes.

MR. ARGENIO: So you're going to sprinkler?

MR. COPPOLA: The entire building including the attic will be sprinklered.

MR. ARGENIO: Mark, are you aware of the Palisades Park letter, did you see that?

MR. EDSALL: Yes, matter of fact they wrote two letters.

MR. COPPOLA: Can I jump in on that because what he did, Kevin, after I saw his second letter is he mistakenly didn't copy, you can see the contents of the first letter in July are still there, so when he went back to his word processor he didn't delete what he should of deleted which is that entire first paragraph.

MR. ARGENIO: This is the first I've seen it.

MR. COPPOLA: There's two letters, one from July and one from October and when I saw the October letter I couldn't believe that he didn't get the elevations so I immediately called him and he said oh, that was a mistake.

MR. ARGENIO: Don't get twisted up about it here. Mark, have you seen the letter yet?

MR. EDSALL: Well, I got both letters, I was similarly confused but think we need to make sure that the elevations and information are sent over so that we can get a positive write-off that everything's fine that they're happy with it.

MR. COPPOLA: He's got them and really his comments after I spoke to him are relating to the landscaping, it's the second half of that letter, so I got that verbally from him when I got the letter in October.

MR. ARGENIO: What about the State Office of Parks Recreation and Historic Preservation and/or the Town historian, any communications from them?

MR. COPPOLA: We did not get anything from SHPO at all.

MR. ARGENIO: We're going to need that response.

MR. COPPOLA: Well, I think we mailed them, I can't remember if that was last July or September.

MS. MASON: I don't remember.

MR. EDSALL: I think it's advantageous if Anthony would give the information to Myra and have her send it so we have a record of this going back and forth.

MR. ARGENIO: I agree, I assume that's why he just asked Myra--what are you referring to?

MR. EDSALL: Like the PIPC submittal I wasn't aware that he sent over some information.

MR. COPPOLA: I only called him after I got this letter so everything has been going through Myra.

MR. EDSALL: So the elevations went through Myra?

MR. COPPOLA: Yes, he definitely has the elevations.

MR. EDSALL: Okay.

MR. COPPOLA: But when I saw that letter, it kind of threw me so I immediately called him. Let me just say where we're at as far as the DOT goes, we have been working on this project since I think late 2005 and one of the first things we did here was get the, called the resident engineer and we met her out on the site there, looked at the existing driveways, there's two driveways and looked at the adjacent driveways, she met us on the site. We placed our entrance basically according to her wishes and they have to do with the adjacent distances from our entrance to the two adjacent entrances and those dimensions are shown on the drawings. So we have been working with her well over a year, it's probably closer to a year and a half.

MR. ARGENIO: And you don't have a response?

MR. COPPOLA: And I don't have a written response from

her.

MR. ARGENIO: Welcome to the real world.

MR. COPPOLA: I'm fairly confident, as confident that I can be that this plan is not going to change. We spoke with her last week and I was driving by this site to see what the speed limit was 55, she asked me to do that, so I went and did that but I do not have a letter from her.

MR. ARGENIO: I appreciate your commentary relative to this and I looking at the site and knowing the site, I would say you're probably right but there's a couple other things spinning out there that are preventing us from moving forward, SEQRA which we'll get into. What I'd like to do is I'd like to give the public an opportunity to comment on it. Now, obviously, my fellow board members will get a chance to review it again after we close the public hearing anything you'd like to comment on.

MR. SCHLESINGER: Just I have one question. What's on the north, what's on the south?

MR. COPPOLA: The two existing houses.

MR. SCHLESINGER: Those are residential houses?

MR. COPPOLA: I think they're both residential, I'm reasonably sure they are.

MR. SCHLESINGER: Okay, you have some sort of landscaping or something?

MR. COPPOLA: Yeah, we have included a landscaping plan, I believe we're doing some screening down by where the parking lot is towards the back area of the existing house there, that's all shown on the drawings, all the grading is being directed away from the

existing properties, so we have a drainage collection point in the rear of what we're proposing to do that's on the bottom of the site but still 100 foot buffer. The existing lot is 356 feet long, it's quite long and deep, about 140 feet wide.

MR. SCHLESINGER: And this is going to be used for a real estate office?

MR. COPPOLA: I think entirely for real estate offices.

MR. SCHLESINGER: Not going to be something that's going to be disturbing anybody in the middle of the night or anything like that?

MR. COPPOLA: No, nothing like that at all.

MR. ARGENIO: On the 10th day of January, 2007, 3 addressed envelopes went out containing notice of public hearing for this application. If there's anybody here in the audience that would like to speak for or against this application, just comment on, please raise your hand and be recognized. Young lady in the front, can you please state your name and your address for Franny?

MS. KIRKUP: My name is Josephine Kirkup, we own the property that's right next door, lot number 67, it's listed as Florio on the maps that I saw that map there the map that was at the Town actually has to be at least 22 years old because the main driveway that we use is not even shown on the plan. I guess my first question would be how many notices were we to have been given that this plan was even in effect and that this meeting was going to take place?

MR. ARGENIO: Ten days notice by law.

NS. KIRKUP: Because the notice that we got we received this past Thursday.

MS. MASON: Has to be mailed out ten days ahead.

NS. KIRKUP: Ten?

MS. MASON: Has to be mailed out ten days ahead.

NS. KIRKUP: Of this meeting?

MS. MASON: Yes.

NS. KIRKUP: Everybody else in the area was not noticed.

MS. MASON: It's only adjoining property owners.

NS. KIRKUP: Anyway, we have a lot of concerns obviously. The biggest concern that we have is the parking lot that they have there is literally our house is probably about where you're sitting and from the middle of our house all the way down to most of the back of our back yard we've got a string of 11 cars there with about that much space from our home, not from our property. Our propane tank is in one spot where it looks as if somebody gets out of their car and walks around they're going to be walking on our property. There's a tremendous security privacy concern.

MR. ARGENIO: Ma'am, can you point to the area on the map please where, Anthony, go to the other map with the parking on it? Ma'am, show me where the people will be walking on your property.

NS. KIRKUP: It appears that way, I don't have a ruler with me, this is our house right here and this is about 18 feet from our home, not from our property line, our property line is right here so this right here is the middle of our home, the parking begins here facing our home, facing our patio, facing our back yard and

stretches all the way.

MR. ARGENIO: I see that, okay.

NS. KIRKUP: We're concerned about security, we're concerned about our privacy which regardless of the landscaping, the landscaping is sporadic, many of the things that they're showing in their landscaping plan are gallon pots, there's a few that are maybe 4 feet tall, that's the tallest that you get, there's no privacy, there's no screening, there's nothing to stop anybody who's parked there from watching us day in and day out watching our property watching when we come and go having access to our property at night, there are two back entrances to our property and as far as using our--

MR. ARGENIO: Let me just interrupt you. Anthony, this business is primarily going to be a business that operates during normal working hours?

MR. COPPOLA: Yeah, I would say so, I don't know if there will be anything after 6 o'clock at night.

MR. ARGENIO: Dan?

MR. CLARINO: It's a real estate office, basically business hours would not be late hours at that location.

MR. ARGENIO: Saying realtors work a long day, they might work a 12 hour day but we're not talking about 9, 10, 11, 12 o'clock at night?

MR. CLARINO: There may be somebody at the office 7 or 8 o'clock at night but there won't be high traffic at that time.

NS. KIRKUP: Our concern is not really with the people who are going to be working there or normal citizens



who go and just need to go into a real estate office, our concern as far as security would be somebody that's up to no good at night, it's a big parking lot, they have free access viewing wise, there's no barrier to our property, be easy for them to pull in, do whatever they want on our property and then leave. There's also a lot of concern about the traffic in that area, it's already treacherous trying to get in and out of our driveway, again, the driveway that's not shown here is actually here there's a wheelchair ramp next to it when there's even one car coming out of this driveway our view is completely blocked but even coming in off of 300 with the traffic that's there now it's very scary, you know, you're always looking in the rearview mirror waiting for someone to hit you and many times you just have to zoom forward and around.

MR. ARGENIO: It's a very busy road.

NS. KIRKUP: With not a lot of shoulder so adding this type of traffic it's scary for us.

MR. ARGENIO: What else can you tell us?

NS. KIRKUP: We're also concerned this appears to be asbestos siding on the house that's existing right now, again, with their plans to be taking siding down and the construction, our well is right here on this front side of our house, our home is very close.

MR. ARGENIO: Let's get these things one at a time. Mike, can you share with this lady she's concerned about the siding when they're doing the work she doesn't want asbestos dust in the air, who's that monitored or controlled by?

MR. BABCOCK: Before they do, I don't know if they're going to do any demolition but I assume they would do an asbestos survey, there's two different types of asbestos, friable and non-friable, the siding is

non-friable so it's not a dangerous thing, they can take it off and they dispose of it properly, it's not normally an issue at all.

NS. KIRKUP: Why would that not be dangerous?

MR. BABCOCK: It's non-friable.

NS. KIRKUP: What's that mean?

MR. BABCOCK: It doesn't break up into particles and go into the air.

MR. ARGENIO: They would be compelled, what I'm hearing from Mike to do an asbestos survey on the home a lot of times asbestos turns up in the tile inside, I've seen it show up in roof shingles and siding but they'd be compelled to do that survey prior to doing the work and if they do have to abate the asbestos, it would be governed by whom?

MR. BABCOCK: Well, it's governed by us, they get a permit to do the demo work, typically on this type of unit they would get a permit for DOT work, it would be part of the demo and part of the work.

MR. ARGENIO: They'd have to hire--

MR. BABCOCK: Certified--

MR. ARGENIO: Abatement contractor?

MR. BABCOCK: Correct.

NS. KIRKUP: As far as that goes, even the pouring of the pavement and the concrete that's all a concern for us, again, our well is there, everything is there. The other thing as far as their parking there is right along this border of the two properties, there are very large trees that have been there for a very long time,

they're right smack on that boundary line, I would say probably three quarters on our side of the line and a quarter on their line, this parking lot, those trees would all have to go, those are trees that--

MR. ARGENIO: Again, point to where you think they are.

NS. KIRKUP: Right about here, we also have evergreen trees and various other trees that are large that for us not only enhance the property but they block all that noise and they provide some kind of privacy, a little bit of screening for us from the road and anything that they're doing here, the roots will most likely be disturbed and that's a fear for us that those trees will then come down.

MR. ARGENIO: Anthony, can you share any thoughts with us about that?

MR. COPPOLA: Let me address some of your concerns.

MR. ARGENIO: I want to hear about the trees.

MR. COPPOLA: Well, we do not have a survey which shows the trees but certainly I could go out there and take a look, you're probably right, probably I'm looking at my photos and does show several trees and there are I don't know how many of them would need to be removed probably you're correct in saying most if not all because we're probably at least three to four feet to the property line at the closest point there. Back to a couple other issues, the screening is probably the easiest thing to mitigate, the screening could be in the form of a cedar fence.

MR. ARGENIO: I'm going to give you direction on that, okay, I want to address the trees.

MR. COPPOLA: The existing trees?

MR. ARGENIO: Yes, I assume I'm speaking for a lot of the members, I want them addressed.

MR. MINUTA: One question, approximate diameter of the trees, are they greater than eight inches in diameter?

NS. KIRKUP: Yes and some of them are 75 feet tall.

MR. MINUTA: A tree larger than eight inches is New Windsor Zoning Code and requires a permit to be removed.

MR. ARGENIO: Anthony?

MR. COPPOLA: Is that a permit here or permit with Mike?

MR. MINUTA: It's in the zoning code.

MR. ARGENIO: I want to address the trees, I think the best thing to do I'm going to tell you I'm not going to tell you what to do but I'm going to give you a thought on this tree thing. I think it would be a good idea actually, you know what, I want you to finish, ma'am, cause I want to, I'm going to hit your things one at a time and I want to hit them all.

NS. KIRKUP: Of course, I mean, I know a lot of people the, historical significance is again even with us I mean it almost seems like every nice thing in New Windsor is being taken down, there's a little group of trees and another parking lot is being put there. But for us, the biggest issues are the traffic and most definitely the screening here. The other thing is I mean the code here is supposed to be 150 feet wide, this property is 140 feet wide and those zoning laws if that doesn't apply to trying to protect another person in a situation like this then it doesn't really apply anywhere.

MR. ARGENIO: Mike or Mark, can you address that?

MR. EDSALL: The lot width is a pre-existing non-conforming condition, the use that they have proposed is the use with the smallest lot width requirements, so there's no means to mitigate that requirement because the lot already exists.

MR. ARGENIO: Understood.

MR. EDSALL: So as setbacks go, there's a requirement to comply with all the setbacks.

MR. ARGENIO: And the use is a permitted use in the zone.

MR. EDSALL: It's a PI zone.

MR. ARGENIO: Go ahead, ma'am.

MS. KIRKUP: I didn't understand.

MR. ARGENIO: What Mark is saying is that the lot in its size and location exists as it is, in other words, it is what it is, can't make it wider without stealing property from you or stealing property from the neighbor next door. And the use that they're proposing is a legal and lawful use within this zone of the Town of New Windsor, so they're not doing anything wrong. Let me just get into this a little bit and I want to kind of explain to you one of the things that we do here as a planning board to a great extent we do not have the ability nor the lawful right to tell Mr. Clarino or Mr. Coppola or whoever the next applicant is you can or you cannot do it. We don't have that subjective ability by the law to be able to do that. But what we can do and the purpose of these public hearings is to get information from folks like yourself, the surrounding property owners and you folks will typically tell us I have a problem with this or

problem with that and the concerns you brought up are very good concerns and we can help to mitigate those concerns. But as long as the applicant is supplying us with a lawful application and it complies with the zoning what the law that the Town Board has set and that has been developed over years and years and years in the Town of New Windsor we can't prevent him from developing his property, same as we can't prevent you from developing your property. Now that may not be the answer you want to hear but the other side of that answer is that we certainly can help to mitigate some of the things that you're concerned about and I intend to do that.

MS. KIRKUP: So it's not the zoning law that that property should be 150 feet in width, that is not the zoning law in this particular instance?

MR. ARGENIO: The answer to that is not as simple as yes or no, the answer is if somebody is subdividing a lot or changing a lot, they have to comply to that zoning, that 150 feet, but if the lot already exists, I cannot compel them to condemn a piece of your property and take it as theirs.

MR. EDSALL: The likelihood is is that that, when this lot was created, the requirement wasn't 150 foot, the 150 foot was probably imposed after the lot was created.

MS. KIRKUP: Do you think that the zoning at that time, the planned industrial was in effect?

MR. EDSALL: The PI has been there for quite a while as to doing a historical research as to what the lot width requirements were in years passed, I did not do that.

MR. ARGENIO: Henry has some history.

MR. VAN LEEUWEN: Zoning was passed in 1964 originally

in this Town so if the house was built prior to 1964 the zoning, there was no zoning cause I remember when it was done.

MR. ARGENIO: I know that's not the answer you want to hear.

MR. VAN LEEUWEN: What I'd like to see is have them plot the trees on the map.

MR. ARGENIO: I'm gonna hit on that. What else did you have?

NS. KIRKUP: That was it except I did call the Historic, State Historic Society people I spoke to knew nothing about this project, I don't know if that happened to be the people I spoke to but--

MR. ARGENIO: Well, we haven't gotten a response from them so as far as we know they don't know about it yet either but we're awaiting a response.

MS. KIRKUP: I mean I really would request first I just hope you consider all of this but please don't allow them to just use this type of landscaping, I mean, this should be a barrier going full length of the property.

MR. ARGENIO: Absolutely.

NS. KIRKUP: That's all.

MR. ARGENIO: Thank you, ma'am. Anybody else? The gentleman in the front? Sir, please stand up and give us your name and address.

MR. KIRKUP: My name is Dave Kirkup, I'm Josephine's wife, she's my wife. I did read some of the codes and it does say that the planning board should consider things like comfort and convenience and just the character of the area.

MR. ARGENIO: Correct.

MR. KIRKUP: To me that's about the entire character is going to change with the parking lot and the historic site and the encampment as well as other things like traffic and the general value of the properties in the area.

MR. ARGENIO: Okay.

MR. KIRKUP: There's a lot of residential zoned properties that are right next to the planned industrial which their value is going to go down and that's basically it.

MR. ARGENIO: Anybody else?

MR. VAN LEUVAN: Don VanLeuvan with the National Temple Hill Association which has headquarters in Vails Gate. National Temple Hill Association is a local historical group and we have been involved with New Windsor Cantonment since 1930's, we also help New Windsor with the last encampment, like this gentleman just said, we help manage that. Through the years, there's been a lot of changes done to that area and we have been able to save 168 acre parcel of the Cantonment where this building is proposed to have a parking lot. And we've done an archeological survey on the Town site, we were able to have a line to show us how the huts actually went and all the houses that are along the residential part of it and right up to his property and passed it is where some of the soldiers' huts were. We know this by one, by just doing the digs on our side and they can set up a line, we actually never dug over there yet but we do have an idea that the huts do go right behind everybody's property there. And our concern is again that when we try to recreate things a historical way. We have two items, we have primary source documents from the soldiers and the people who lived at the



Cantonment back then and there was about 8,000 men, woman and children and just the parcel that's in the front from where the flag pole is right up passed the New Windsor Cantonment now there's probably over 300 huts that housed about 3,500 men. Well, the documentation it's limited in some sources but we know a lot through the archeology, just the stuff that we did on our part and we have a concern that we're going to, that we're not going to really be able to know how huts were changed during the construction, how the soldiers lived there and with this impact with the parking lot it's probably going to cut through that part of the Cantonment.

MR. ARGENIO: Okay.

MR. KIRKUP: That was our concern mainly with that.

MR. ARGENIO: Thank you, again. Anybody else?

MS. CANDELARIA: Ann Candelaria (phonetic), 7 Causeway. I have two small children and they usually play in the back yard and they start running and now that the parking lot's going to be there I'm afraid that something may happen with a car, they may get snatched up.

MR. ARGENIO: That's a big concern nowadays, unfortunately.

MS. CANDELARIA: Like some of them we're saying they can get them in the car, I turn my back one time and gone and plus the value of the house is going to go down, I mean, it's a big house.

MR. ARGENIO: Thank you, ma'am. Gentleman behind her?

MR. CLARK: I'm Michael Clark from the New Windsor Cantonment State Historic Society and National Purple Heart Hall of Honor. I'd like to echo some of the

concerns about the traffic situation also about the archeology, although the land immediately behind where this work is taking place is Town of New Windsor historic site, the Town and State have worked very closely together over the years through archeological research to try and locate as many of the locations of the Massachusetts soldiers' huts, the parade grounds and some of those lands as my colleague here has pointed out are immediately adjacent to the back sections of the house there, so we would certainly want to see that that's well taken care of. I'm afraid I can't speak for the State Historic Preservation Officer because I was just going notified of this more recently and didn't get this to the level of documentation and materials and such as has been sent probably to our Albany office, but I can also say that there's just been some concern about preserving as much as possible the residential nature and the historical nature of the properties that are there. We have a limited number of houses that are within the historic landscape there at this point and they have had minimal affect you might say on the property that's there currently, the historic property concerns about potential runoff, I know that drainage is being addressed to some extent but I can just, for example, see if there's a large parking lot there that you might have more water exposing historical resources and destroying them and such that are currently underground but could be affected by it. So as I say, I just want to on behalf of historic society, not necessarily the Albany office express our concerns that it is in the middle of what was a huge historical site at the time and we want to minimize any affect on taking away from the views back and forth between the two sections of the historic site, the Town historic site on the one side of 300 and the State historic site on the other side. We're currently developing plans to have some work, some reconstructed buildings actually on the grounds and by chance just immediately across from where the location of the current work is proposed so that will have some

eventual affect on the reconstructed hut that's being planned for that piece of property immediately across the street.

MR. ARGENIO: Okay, thank you. Anybody else?

MR. MC DONALD: I'm Ian McDonald, I'm a scout from Troop 28, we meet across the way in the Community Center, I'm doing this for a merit badge and I'm supposed to take part in a zoning board, any kind of town board meeting and this for this particular building you guys are gonna do something across a historical site.

MR. COPPOLA: Adjacent to.

MR. MC DONALD: And as you said that site could be lost, did you say that it could be some harm, take that into consideration that it's important cause this is our country, this is where it began and what we are today. Thank you.

MR. ARGENIO: Ian, good job.

MR. MC DONALD: Thank you.

MR. ARGENIO: Anybody else?

MR. KIRKUP: I went around to different people and on either side and the Cantonment in front and I didn't find one person that was for this.

MR. ARGENIO: Okay, thank you.

MR. WILLIAMS: Kirk Williams, Riley Road. Did our Town historian review this project yet?

MR. ARGENIO: We're currently waiting a response from him but he was notified about the project, absolutely very important. Anybody else?

MR. MILVITCH: My name is John Milvitch (phonetic), I live on 12 Causeway right at the Cantonment. How is that going to affect the traffic going back with 40 parking spaces?

MR. ARGENIO: There will be certainly more traffic on Temple Hill Road.

MR. MILVITCH: Right now we have a heck of a time getting out of the Causeway.

MR. ARGENIO: I believe it, I'm with you on that, I eat at Neil Schlesinger's restaurant quite often and trying to get out of there is just down the road, I understand New Windsor is getting to be a busy place. Thank you.

MR. CLARINO: My name is Dan Clarino. Our current office is right across the street from Neil's restaurant, it's only about a half a mile from this proposed site. Our office will not attract anymore traffic to Temple Hill Road than is already there cause our office is already there so we're not going to be bringing new traffic to the area, just going to maybe redirect it a bit but we're not going to attract any new traffic.

MR. ARGENIO: But somebody's going to go into that space that you're going to vacate, I would assume?

MR. CLARINO: Somebody.

MR. ARGENIO: Anybody, something different? I certainly have heard these issues and lot of them are very good issues.

MS. KIRKUP: I had forgotten to mention that I was also was concerned about the exhaust fumes in our house and the noise from that parking lot and I'm also just wondering how that would affect our property tax rates?

MR. ARGENIO: Can't answer that.

MR. VAN LEEUWEN: Shouldn't affect it.

MR. ARGENIO: I would say check with the assessor, I don't have an answer for that, anybody else?

MR. WILLIAMS: Kirk Williams. You mentioned earlier that it is in a historical overlay district, more information on what that implies, does architecture have to comply with certain things?

MR. ARGENIO: Mike or Mark?

MR. EDSALL: Town Board created the historic overlay district and there's not a lot of guidance in the current Town Code that tells the planning board any specifics on how they should handle it. It's almost as if they're pointing an area of particular interest but they haven't really given a lot of guidance as to applying certain standards. One of the items that I brought to the Town Board that I asked to have their planner look at for the comprehensive plan was to do just that, provide some more guidance and as it stands now I'm not aware, not aware of any specific requirements, there's an overlay district, we all know that and we do our best.

MR. ARGENIO: What we have tried to do as a planning board is we try to while we're not an architectural review board you're at a lot of meetings, you've heard me say that if I've said it once I've said it a dozen times, we do have the benefit of having a professional architect on the board and when this application came up, I specifically asked Joe Minuta to take a ride over there with me cause I wanted him to walk the Cantonment to take a look at architect that was there to see if we could do our best as a planning board to the extent that we could, you understand we're bound by law to try

and help this applicant match the architecture of what's there so--

MR. EDSALL: Mr. Chairman, there was to my recollection there's only been one other commercial site that's come into the board since the overlay district was created and on that application the board required that the finishes of the building be particular colors to make them earth tone and not--

MR. BABCOCK: Covington Estates.

MR. EDSALL: That's about as far as we've gone.

MR. MINUTA: We're trying to maintain a colonial feel throughout the area, if you take a look at the Cantonment you'll see a lot of shingle and wood, you really want it of the period which is sort of the microscope of what we look at because we really don't have any defined finite pieces that will say this is the piece of the Cantonment, this is what the overlay district is about, it's sort of a general feeling as to what this area is. We have Temple Hill Road, we have all the historic areas, with regard to that, we're just trying to make it blossom if you will, to pull from what's existing. One thing that concerned me he did mention the change in the pitch of the roof that could theoretically cause a visual impact, I'm thinking of the Gould painting, General Washington overlooking the entire Cantonment, changing that pitch could change the elevation if you do allow that to happen.

MR. ARGENIO: Thank you. Anybody else?

MR. KIRKUP: The maximum height is supposed to like 28 1/2 feet if it's between, the difference between the property line and the house.

MR. EDSALL: It's 12 inches per foot to the nearest lot line so they're allowed to have approximately 29 feet.

MR. KIRKUP: So this will be 29 feet high?

MR. COPPOLA: It will be much lower than that to the height of the new ridge I'd say, it's not dimensioned on the drawing but probably no more than 22 feet, it's probably only going to be a difference of 23 to 46 feet higher than the existing ridge, just enough so you can see it, so that the houses were built '60s and 70's, if you look from the road a lot of times you can't see the roof it's so low, this is just to give the roof a little bit so we can see the roof.

MR. ARGENIO: Anybody else?

MRS. KIRKUP: The house on the opposite side of this property, the woman does have a small little daycare center so the concerns that this woman has could also be a concern as far as that goes.

MR. ARGENIO: She's not here tonight, do you know why?

MRS. KIRKUP: No.

MR. ARGENIO: Anybody else?

MR. VAN LEEUWEN: Make a motion to close the public hearing.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on the Clarino office building on Route 300. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE

MR. MINUTA                    AYE  
MR. VAN LEEUWEN            AYE  
MR. ARGENIO                AYE

MR. ARGENIO: You're right on top of the property line and when the cars turn the headlights are going to be shining right at the property, I know that's not an issue in the summertime but maybe in the winter, 5:30 office visits, I certainly wouldn't want to be sitting at my kitchen table having lights shine on my Post cereal, my pork chops, Wheaties, so I need you to address that.

MR. COPPOLA: We can do that.

MR. ARGENIO: I'm going to give you another suggestion, I'm going to tell you that Mr. Van Leeuwen also whispered in my ear while one of these nice folks was talking and I agree with him a hundred percent I think you should show those trees.

MR. COPPOLA: The existing trees.

MR. ARGENIO: I think you should do that. I don't have an answer for you cause it's a difficult thing because as you know, if the construction invades the drip line of the tree, the tree could be in danger. I've saw Mr. Minuta was going to mention this so I don't have an answer on that, but I'm going to tell you here's what I think you should do and ma'am, I said this before and I will say it again, I cannot say this enough, you need to understand that we as a planning board do not have the legal right to tell him he can or cannot build this building. If we do that, tell him he cannot build his building we'll most likely be sued by the applicant and we'll lose because we can't do that, it's against the law, it's not lawful. But what we can do this is the second time I'm saying this cause it's very important, we can hear your concerns and we can compel the applicant to mitigate your concerns and I intend to do



that. I hope you believe that. Do you believe that?

MRS. KIRKUP: I appreciate that.

MR. ARGENIO: Anthony, I'm going to tell you I think what you should do about those trees, I think it would be a smart move to maybe meet with these folks out there and maybe to understand and I think I'm explaining it correctly that you have the right to develop your property, Dan Clarino has the right to develop his property, but let's not get into a situation where there's a tree on the property line and it's on her property and you cut off half the roots and it falls on her house in four years cause that's a problem. It would be great if you can get with them and amicably come up with something that's going to work and I think that the young lady's also correct and that I think you should try to make a better effort to come up with some kind of landscaping on that side of the lot and Anthony, this is a dance, you know, it's a dance, it's not easy, you have to try to walk down the middle. Go ahead.

MR. COPPOLA: Where he just, one question on the trees, we're going to do eight inches and greater, is that what I'm hearing?

MR. ARGENIO: I'm not giving you direction on that. I'm telling you I think it would be a good idea if you can get with those folks and come up with something amicable. Ma'am, do you understand he has the legal right to build the parking lot? It's lawful, it's a lawful application, he has the legal right to put the building up, it's a lawful application. We cannot tell him he can't do it but we're trying to help with these other issues. So I think it would be a good idea if you guys get together, everybody have an open mind and try to come up with something that goes through the middle. If you can't do that then we as a planning board will tell him you're going to do, he's going to

do that and you'll have to live with it, like it or not, as long as it's lawful. Okay? The traffic folks I can't help the traffic, the DOT is going to review the application, I don't think it's a tremendous amount of stalls, I think 300 is a difficult place as my predecessor used to say sometimes when I get to Five Corners I feel like I need a shave by the time I get to the other side. It's true. We recognize and we acknowledge it but Sibby from the DOT is going to look at this and hopefully put some thought into this. I don't know that you're going to do a lot more than you have already done, Anthony, but it will certainly be subject to that review. The construction disturbance maybe it's possible that you could show and I know I see this on a lot of jobs, I'm sure Joe Minuta sees it too, typically we'll put up a tree and vegetative barrier. You are familiar with that, I assume?

MR. COPPOLA: Yes.

MR. ARGENIO: Something along those lines might be appropriate and what also might be appropriate is if you come up with some type of a fence of some sort, some privacy/security fence on the south side of the parking lot, maybe we could carry it just a bit further and wrap around the back of the parking lot because I understand this other lady's concern and I have the same concern, everybody sees the age of my daughter here and I certainly am sensitive to issues of that nature. Anthony, have we hit anything?

MR. COPPOLA: Just to one thing, I do want to, one important thing is going back to the SHPO thing which now it kind of concerns me that we don't have a response from them.

MR. ARGENIO: I'm going to get to that.

MR. COPPOLA: But no, as far as what you said so far we're okay with that.

MR. ARGENIO: Trees and screening, let's talk about the historic aspect of this, Dominic, Mike or Mark, I'm going to ask you this question. We contact SHPO, PIP, Glen Marshall, these other two folks that represent these other two historical organizations, how do they come into play with this whole package if at all?

MR. CORDISCO: There's no mandatory notice requirements other than to the adjacent landowners as was done in this case, however, if they wish to be considered to be interested agencies as far as SEQRA is concerned, they could be added to the distribution list.

MR. ARGENIO: I don't think that would be a bad idea.

MR. EDSALL: It was sent already to the historic preservation.

MR. ARGENIO: Good idea.

MR. EDSALL: When we sent the SEQRA notice, it included State Historic Preservation Office, not PIPC, I don't believe but that got passed on to PIPC and we have heard from them.

MR. ARGENIO: We're certainly not obstructionists here but we do recognize how lucky we are to have this historical significance in New Windsor that we do have, it's something that's unique to our community and it should be preserved to the greatest extent that we can, in my opinion, and as I also said people have a right to develop the property. Now we can dictate to them a lot of things, but we can't tell them they can't as long as they do it in a lawful fashion. But I want to make every effort I can on that historic business. We cannot act on this tonight, Anthony, there's, we can't close SEQRA because we need to hear from these other agencies. So with that, we can't go too far. I covered a lot of ground, to my members of the board, I

covered a lot of ground there and does anybody have anything else they'd like to add?

MR. SCHLESINGER: I don't want to beat a dead horse but I couldn't find landscaping plan or fence plan here, it's something I addressed.

MR. ARGENIO: It's moot because he's going to do a new one.

MR. SCHLESINGER: But it's something we want addressed, I addressed it before the public hearing cause I knew it was going to be a sensitive issue.

MR. ARGENIO: Do you have SP2, Neil?

MR. SCHLESINGER: I do. Okay, apologize, but I knew it was going to be a sensitive issue and it's a very valid sensitive issue the board is very much concerned about it as is the public and I don't want to beat the dead horse but Gerry has addressed some landscaping and everything and I'm not in love with landscaping as a means of privacy, we're dealing with seasons, there's no enforcement, this plant dies, this tree dies, then what happens?

MR. ARGENIO: Fence doesn't die.

MR. SCHLESINGER: I didn't say that.

MR. ARGENIO: I did.

MR. SCHLESINGER: But I just wanted to emphasize the fact that we're concerned, the public is concerned, there's a historic significance here and the other issues that we brought up as far as privacy is concerned and, you know, just expect you to hit a home run with that.

MR. ARGENIO: Not chain link, don't insult us with

that.

MR. COPPOLA: We'll do cedar.

MR. SCHLESINGER: It's a historic thing also so everything's got to work.

MR. MINUTA: Okay, everything was pretty much hit but I just want to cover some things in case I say it differently, SHPO you're dealing with Albany or--

MR. COPPOLA: I wasn't in charge with that, Ken Martunis (phonetic), I know Ken, but I have to get with Myra on that.

MR. MINUTA: The reason why I say I normally have very good response from Ken, usually turnaround within four weeks or less. Town historian, the archeological aspect of this with regard to SEQRA, has that been indicated in the EAF or has an EAF been submitted at this point?

MR. CORDISCO: There has been a long form EAF that's been submitted, I don't recall what the, what box was checked in terms of whether or not it would have an impact on archeological but I don't recall whether or not but I don't recall seeing any archeological study.

MR. COPPOLA: Can I ask about that? Wouldn't that come from SHPO, isn't the significance going to come from them?

MR. MINUTA: It's just historic, I don't know about archeological.

MR. CORDISCO: That's actually correct, SHPO would typically review archeological studies, if there was some other jurisdiction that was triggered by say like a DEC permit and then signoff from SHPO would be a necessary component in getting to a complete

application at the DEC. As I understand it, there are no DEC permits that are involved with this site so technically SHPO involvement is not necessary. That does not change the fact though that this board as lead agency under SEQRA has to make some determination that there are no significant impacts to all of the environmental aspects including archeological.

MR. COPPOLA: Well, I guess I'm asking for direction if there's anything beyond SHPO that I need to do.

MR. MINUTA: Any outcroppings on the property that anybody's seen?

MR. COPPOLA: Not that I'm aware of.

MR. MINUTA: Are you gentlemen aware of anything from the Temple Hill Society there?

MR. VAN LEUVAN: It's underground.

MR. MINUTA: They start excavating they can find it.

MR. EDSALL: Just to add, Joe, one other issue I've run into in prior cases where there was a concern but no definitive information and the particular developer I'm thinking of worked out an arrangement with the historical group, Town historian that when they were doing their excavations they would be done in a particular manner and access would be provided just so that if there was something there, it could be recovered. So there are other avenues that the application can work on with the Town historian and Temple Hill Association.

MR. ARGENIO: I don't know how far you're going to go but I, that's where we're headed. We don't have to resolve that tonight but I think that's where we're headed.

MR. MINUTA: We've hit on the landscaping. With regard to the parking situation as a suggestion or my opinion I have two questions. One is we've got a 30 foot setback, 30 foot right-of-way or roadway for the parking area but the 24 foot throat getting to the back, I don't know if that's--

MR. ARGENIO: Joe, let me read this to you, this went to fire and fire on 5/8 of '06 determined the fire lanes inadequate and then on I should of read this before then on 7/12/06 Anthony changed some lanes there and the fire marshal has approved it.

MR. MINUTA: He's approved the lanes?

MR. ARGENIO: Yes.

MR. COPPOLA: Thirty foot wide lane, that's either part of the code--

MR. EDSALL: Well, the reason for the difference is that the 24 is adequate for them to get through, what they need the 30 foot is for the outriggers when they have to stage the aerial, that's why they require the 30s where they stage and just the lane 24 is fine.

MR. COPPOLA: That's a partial reason why we're close because it's a narrow side that got pushed over there.

MR. MINUTA: Do we have a significant dropoff off the back of the site passed the pavement that you currently have? I'm wondering if that might be utilized for parking rather than the side if that functionally makes sense?

MR. ARGENIO: In my opinion, I think that because of the historical nature of this, I think the less disturbance on this property the better off we are so that's just how I feel about it.

MR. COPPOLA: I think that we can mitigate the screening and that type of thing there adjacent to the neighbor at the south, I don't think I'd want it done with a parking lot, it's large enough already, but the grade is pretty constant throughout the whole site.

MR. ARGENIO: What else are you looking for?

MR. COPPOLA: I think I'm clear.

MR. ARGENIO: You've got some direction, you need to do some things and we need to hear from some of these agencies and we're going to refine a little bit between now and the next time you're here exactly how this, these historical folks are going to participate. I want to give that some thought and I want to ask around a little bit and see how it's been handled in the past but I think they should participate on some level, that doesn't mean compelling you to perform your excavation with teaspoons, some sort of reasonable inspection, something, I don't know what it's going to be.

MR. COPPOLA: Thank you.



REGULAR\_ITEMS:

---

TLC\_DAYCARE\_CENTER\_SITE\_PLAN\_&\_SPECIAL\_PERMIT\_(06-26)

---

MR. ARGENIO: Regular items TLC Daycare Center site plan.

Ms. Liz Torres and Ms. Joan Shedden appeared before the board for this proposal.

MR. ARGENIO: This application proposes conversion of the existing building to a daycare center. The application was previously reviewed at the 27 September, 2006, 13 December, 2006 planning board meetings. I understand from our engineer that you folks have come a long way with this, I want to touch on a couple things real quick. Everybody familiar with this? Yes?

MR. MINUTA: Yes.

MR. ARGENIO: They have cleaned up the paving business, the parking is now noted as paved, they corrected the handicapped detail, I mean, we went through three pages of plans. Ma'am, could you please share with me, outside the lobby as I came she shared a couple of the very minor things, actually, let's not even get into this, the members take a look at it and ask the questions you need to ask and I think we really talked about this a lot. There's a note there that says garbage enclosure area pointed to a parking space, that's a mistake, that arrow points to the wrong spot, that arrow should point to the white space right adjacent to the building, create a little box just to the left of that space that's going to be their refuse area. Ma'am, you said you weren't going to have a dumpster, is that right?

MS. SHEDDEN: Correct, we spoke to Mark about that and it was determined that the amount of refuse that we

would have could be covered by bins.

MR. BABCOCK: They should just take that comment right off the plan, Mr. Chairman.

MR. EDSALL: Bottom line is that the fire inspectors may suggest a better location.

MR. ARGENIO: And you comply.

MR. EDSALL: Wherever you folks work it out.

MR. ARGENIO: You don't have to build a masonry dumpster enclosure where you wrote it on there.

MS. TORRES: Yes.

MR. EDSALL: We'll just take that right off the plan.

MR. ARGENIO: While you guys are looking at the plans, anybody sees fit, I'll accept a motion for negative dec on this.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for Torres Daycare site plan. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What does item number 3 mean, the first bullet, that all the proposed equipment or materials are readily accessible for fire and police protection?

MR. EDSALL: The special permit process in the Town of New Windsor if you look at the newly enhanced code that was adopted a couple years ago requires that the board when you issue a special permit reach certain determinations so you'll see that comment I'll hopefully remember each time that you have a special permit to issue that I'm going to ask you to put that into the record that you have made those determinations, those two bullets.

MR. CORDISCO: I've already added them to the formal resolution that I prepared.

MR. ARGENIO: So they're a non-issue?

MR. CORDISCO: So in the resolution itself if you adopt the resolution, the resolution is saying you're making the finding that those items have been met but if you could say it on the record all the better.

MR. ARGENIO: They have really come a long way, they have done a fine job. Does anybody have anything with this or can I begin my--

MR. VAN LEEUWEN: Begin.

MR. MINUTA: The fence is the only thing that comes to my mind.

MR. ARGENIO: That was the biggest issue and that was taken care of.

MR. SCHLESINGER: Not an issue.

MR. ARGENIO: No, we got passed that last time, they have the parking lot 7 and 11 to back into. Okay,

Mark, this is a motion for final approval or special permit approval?

MR. EDSALL: You've got a resolution that our attorney prepared for granting the special permit and site plan approval.

MR. ARGENIO: So it would be a motion to adopt the resolution that Dominic prepared.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that we adopt the resolutions Dominic Cordisco prepared relative to TLC Daycare site plan subject to the applicant removing that note from the plans. The applicant agrees? Is this a yes?

MS. TORRES: Yes.

MR. ARGENIO: That they will comply with the fire inspector in locating their refuse bins and the conditions set forth in Mark's item number 4, surveyor corrects the plans based on the engineer's input, we receive the bond estimate and all your fees are paid. If there's no further discussion from the board members, I will have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Good luck to you, ma'am. I told you it was not going to be that difficult and you certainly

January 24, 2007

44

did a fine job between the last meeting and this meeting in getting that plan cleaned up, thank goodness. Good luck to you.

NEW\_WINDSOR\_SENIOR\_HOUSING\_(07-01)

---

MR. ARGENIO: New Windsor Senior Housing. This application proposes development of 96 one bedroom senior citizen housing units on 4.1 acre parcel. Application was reviewed on a concept basis. Can I have your names?

MR. MANDELBAUM: Jonah Mandelbaum, I'm the developer.

MR. EWALD: Travis Ewald from Pietrzak & Pfau.

MR. ARGENIO: Go ahead, what do you have to tell us?

MR. EWALD: We have proposed 96 affordable senior housing units to be constructed in two proposed buildings, a 42 unit and 54 unit building. On this building there will always be a super's apartment. Currently, we meet the zoning regulations for the senior housing district with the exception of lot density.

MR. ARGENIO: Wait a second, say that again.

MR. EWALD: I believe it's senior housing.

MR. ARGENIO: The whole statement.

MR. EWALD: Our bulk regulations meet the senior housing zoning regulations with the exception of lot density and I believe parking requirements.

MR. ARGENIO: Mark, we don't have senior housing regulations, do we?

MR. EDSALL: We've got an existing Section 300-18.

MR. EWALD: That's what I was referring to.

MR. EDSALL: But there are some pending zoning changes

that have not yet become law.

MR. ARGENIO: Go ahead.

MR. EWALD: Pretty much we have a sketch plan before you for review and comment.

MR. ARGENIO: So you meet it except for?

MR. EWALD: I believe we meet except for the density and the parking calculations.

MR. MINUTA: How over are you on the density?

MR. EWALD: We're proposing 24 units per acre and I believe it's 18 per acre, is that correct?

MR. ARGENIO: Mark, is that correct?

MR. EDSALL: Sorry? I was just going over one of these items.

MR. ARGENIO: He's proposing 24 units per acre, he says 18 are allowed under the current law.

MR. EDSALL: Current zoning allows 6.22.

MR. EWALD: Is 18 the one that's being reviewed?

MR. EDSALL: I don't know what form the Town Board's going to adopt, we don't have that as of yet.

MR. ARGENIO: Maybe he's referring to the senior zoning.

MR. CORDISCO: The draft.

MR. ARGENIO: The draft copy that's not law yet.

MR. EDSALL: There's two sections that are currently

proposed and under consideration by the Town Board, one's called senior citizen housing and then that has an affordable component, certain percentage, then there's another section of the code that's being considered that's called totally affordable senior citizen housing which would have 100 percent of the units meet the affordability requirements and I believe that one does have the higher density.

MR. ARGENIO: That's 18.

MR. EDSALL: As the last version I've heard about.

MR. ARGENIO: Why are you proposing 24 if--

MR. MANDELBAUM: To make it financially, what it costs to do the whole application when you consider density plus the market there if you check the market study in this area, actually, these are not enough, it's not enough, we can fill these in one day, the market study.

MR. ARGENIO: I'm not worried about filling them, I'm worried about it being too many units. This is not Monticello nor Port Jervis, it's New Windsor.

MR. MANDELBAUM: I understand.

MR. ARGENIO: Go ahead.

MR. EWALD: Basically we're seeking any input on the concept of the project and the location of the buildings and the proposed parking.

MR. ARGENIO: Okay, this is our first time seeing it, I'm going to tell you what I think and--

MR. VAN LEEUWEN: Can I ask a question?

MR. ARGENIO: Yeah.



MR. VAN LEEUWEN: What do you need from us tonight?

MR. MANDELBAUM: Honest, we were only here two days ago and we're on the agenda, we were waiting for your zoning to be, that would be in effect and so to have the zoning so we know what we're working with.

MR. ARGENIO: What they need, I think what you need is the, is to have the zoning in place so we can then I would think refer you to the zoning board, I would think that would be the way to go, but I'm going to just I'd like to give you a couple thoughts, Mr. Mandelbaum.

MR. MANDELBAUM: Call me Jonah.

MR. ARGENIO: Based on the numbers 6.2 to 8 to 24 is a lot of units but having said that I will tell you that I think that this is a great location for this project. I don't think I could think of a better location for this project cause when you get into that area of the Town there's certainly not a lot of room left, especially lots of this size and within walking distance of you have probably four pharmacists, Hannaford's, Shop Rite, Price Chopper, you have dry cleaning, you have entertainment, you have the insurance place, you have everything anybody could possibly need.

MR. MANDELBAUM: Within walking distance.

MR. ARGENIO: It's great but--

MR. VAN LEEUWEN: Can I say something? Correct me if I'm wrong, you have a contract on this, correct?

MR. MANDELBAUM: Correct.

MR. VAN LEEUWEN: And from what I heard from George today is that you're looking to back out of it?

MR. MANDELBAUM: I didn't hear it yet but they'll get back to me.

MR. VAN LEEUWEN: That's the problem, this actually was my idea, I brought Jonah into Town Hall and said we need senior citizens housing, we've needed it for years.

MR. ARGENIO: We have recognized that as a Town for years.

MR. VAN LEEUWEN: We never got it, okay, I have suggested this parcel before, he's paying a lot of money for this parcel, I was there during the negotiation.

MR. ARGENIO: I think it's a good location.

MR. VAN LEEUWEN: It's the best.

MR. MANDELBAUM: Our hands are tied.

MR. ARGENIO: This is behind RAL on Route 32.

MR. MANDELBAUM: Behind the pharmacy.

MR. ARGENIO: It's a great spot.

MR. MINUTA: The building to the north is RAL.

MR. SCHLESINGER: What's the dog leg up on the top?

MR. MANDELBAUM: That's part of the land.

MR. SCHLESINGER: That's the way the cookie crumbled?

MR. MANDELBAUM: That's the way it was from way back.

MR. SCHLESINGER: You're proposing putting in a road?

MR. EWALD: From here there's an easement right there.

MR. MANDELBAUM: Between RAL and CVS.

MR. MINUTA: The easement would be acceptable rather than road frontage or is that a zoning issue?

MR. EDSALL: Well, again, it's zoning cause there's a minimum frontage requirement and again I don't know what the new zoning if it's going to require frontage or if it's going to be treated like the commercial accessway where you need to only have access but you don't need to have frontage on a Town road right now, it would need to have a variance.

MR. ARGENTIO: So Jonah, I think the feedback that you're getting here is that and correct me any of my members if you disagree is that it's a great place for that project, certainly is a great place for it and it's something that we have needed in the Town for years. My personal opinion is that's a lot of units and I don't know the economics of it, I don't pretend to know the economics of it and it's a lot of units but I think that it's a great place for it and in that area you're not going to find a piece of land like that.

MR. MANDELBAUM: I agree, we looked at land around the Town, we wanted that piece when it was definitely the location was ideal not because we think so also the higher authorities, the State Division of Housing who come to inspect the site and when I looked for specific sites, I looked for specific things that I know that they want and they do want the walking distance like you said, I mean, one place they visit the most is pharmacy and the supermarket and they're right there. Those are two places where seniors go the most. So it's right there, they can just walk, they don't need a car, they don't need anything, so the location is definitely ideal, just now the zoning is in the air

right now.

MR. ARGENIO: You were in the audience when I went on my lecture about planning board being an administrative body, I assume, I'm sure you've been around the block, matter of fact I know you've been around the block cause I've done a little bit of research and you're certainly aware that what you're proposing here we're going to have to send you to the zoning board but what I think I need you to do, you've got a little bit of feedback from us and certainly Mr. Van Leeuwen was not ambiguous or vague, I don't think I was ambiguous or vague either, I think we like this project but in my opinion, it's very dense, there's a lot of units there. What you need to do is come up with a plan that you want to go forward with and maybe it's this plan and list what you need there for zoning, what variances you're going to need.

MR. MANDELBAUM: With the current zoning that's all we have to work with.

MR. ARGENIO: With the current zoning or I don't know what the status is of that law, I mean, the planning board reviewed the senior housing regulations a few months ago and we signed off on it a long time ago, I don't know what the status is.

MR. VAN LEEUWEN: It's imminent.

MR. ARGENIO: Next week?

MR. VAN LEEUWEN: Probably.

MR. ARGENIO: I would wait till the senior zoning is passed and then I would come back and I would do my plan and my variance request based on that as long as it does go into effect.

MR. BABCOCK: Mr. Chairman, can I just say one thing, I

think that they're going to need these variances no matter what, even the new zoning, they have said that they're not going to meet the density of what the draft is, so I think they should just prepare it now because they're going to need variances from whatever code if the zoning happens to change in the meantime we can change the numbers as it goes.

MR. ARGENIO: That's what I'm saying when Jonah and his engineer prepare it they should prepare it based on--

MR. BABCOCK: Today's code, they should base it on today's code and we'll get you headed to the right direction.

MR. MANDELBAUM: Two sets of plans?

MR. ARGENIO: I don't want two sets of plans.

MR. MANDELBAUM: Just said new zoning might be implemented next week so if it's implemented we can set up a map based on that zoning, wait for the new zoning and just get going.

MR. ARGENIO: Henry seems to be fairly informed and I know from experience that he normally is fairly informed or he wouldn't be speaking out of school.

MR. MANDELBAUM: We'll wait for the new zoning.

MR. ARGENIO: Thank you.

MR. MINUTA: The size of the unit and number of bedrooms?

MR. MANDELBAUM: They're all one bedroom around 700 square feet plus or minus, might be 678.

MR. BROWN: What's the minimum age?

MR. MANDELBAUM: You qualify.

MR. ARGENIO: I think it's 55.

MR. MANDELBAUM: Put your name on the list now. Everything we've done always has been a one bedroom where two and three bedrooms for the superintendent lives on the site full time. The age limit is 55 but on the average they're all about in their 70's, there isn't an age limit, believe it or not, used to be under the 60's but under executive order, they made it 55 so that's the age we have to go by and also have certain income criteria, very strict, strict income criteria designated by HUD for each county within the whole country and based on that, there's a percentage of that income and a formula that we work by, we have to give that to the state, application to the state is about 12 inches thick and that's one of those things, hurry up, give it to us and hurry up and wait.

MR. ARGENIO: Okay, you have your direction. Thank you.

(Whereupon, Mr. VanLeeuwen left the room.)

KEILLY\_ESTATES\_SUBDIVISION\_(03-01)

---

MR. ARGENIO: Mark, next is Keilly Estates. Mark, that's something that you're going to talk about, yes?

MR. EDSALL: Yeah, there was some I'll just call it miscommunication. The applicant had asked for a reapproval but in fact they had not yet received their two 90 day extensions on their initial approval. So my suggestion is that you just grant them the two 90 day extensions of their conditional final subdivision approval, they'll then have the full 360 days that the law allows and if they aren't able to accomplish the conditions by then, then they'll have to come in and work toward an approval.

MR. CORDISCO: No problem.

MR. ARGENIO: I'd like a motion to that effect.

MR. MINUTA: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board, Mark, if I misspeak, correct me, grant the two 90 day extensions to Keilly Estates.

MR. EDSALL: Correct.

MR. ARGENIO: No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

CORRESPONDENCE

---

MEADOWBROOK\_ESTATES\_(01-42)

---

MR. ARGENIO: Meadowbrook Estates, Mark?

MR. EDSALL: Meadowbrook is looking for an extension of the preliminary approval, they're still working on their outside agency approvals and I suggest that you, this is purely a matter of you have a preliminary and they want to have it extended.

MR. ARGENIO: Dominic, is that lawful, any issues with that?

MR. CORDISCO: No issues.

MR. ARGENIO: It's 180 days.

MR. EDSALL: Six months.

MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant Meadowbrook Estates 6 month extension to their approval. If there is no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE



# DISCUSSION

---

MR. ARGENIO: I have one thing I'm going to get through quickly, I'm going to try to enunciate an issue and Mike and Mark might have to help me try to follow me on this, I might screw it up a little bit but Mark and Mike will correct me if I do. Quite a few years ago we changed the zoning from and Neil I think you're keyed into this, we changed the zoning from I think half acre to 80,000 square feet, I don't know what the old, I know the new is 80,000 square feet in the interest of fairness there was a lot of applications roughly 15 that were before us that people had spent a lot of money on engineering and the like and we said as a planning board with permission of the Town Board look, we're going to agree to grandfather the people who have applications in front of us currently and it was like 13 or 14 applications, I don't remember the exact amount. And that's it and it was, we're trying to be fair to the applicants as a lot of them had spent a lot of money on engineering so we did. And it lasted two years and it expired, lasted two years, we did it again and it expired again and I have the list here, we have, slowly the applicants have dwindled off the list as they built their sites out and we're down to four applicants, it's Angelo Estates, Rackowiecki, Meadowbrook Estates and Briarwood are the last four applicants that either have approval now and they haven't acquired their last building permit or they don't have their approval because they're waiting for the water department or the Department of Health or something like. So what I'd like to do is and again if anybody has any questions on it, Mike and Mark will entertain the questions because they're more intimately familiar with it, I'd like to give them what is it one year extension?

MR. BABCOCK: Yeah.

MR. ARGENIO: I have a resolution here, it's the same

resolution that we did last time and the time before that, Mark just changed the dates on it and I think it gives them October 3, 2008 to get their act together and Mark correct me if I'm wrong at that point that's the end of it, yes?

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. EDSALL: Well, again, there's some mitigating circumstances, one was the fact that at least one of the projects was impacted by the annexation that was being negotiated between Cornwall and New Windsor.

MR. ARGENIO: That's Meadowbrook.

MR. EDSALL: And you've got the situation where you've got the Town having imposed internally a self-imposed water moratorium which makes it impossible for some of these applicants to get their necessary outside agency water approvals so that's why it's, I'd hate to say that that's going to be the end of it because we still have no control over the water moratorium.

MR. ARGENIO: And we need to maintain a standard if we're fair with the other 14 people we need to close the loop.

MR. EDSALL: I hesitate to think that you would tell someone that it's their responsibility to meet a deadline and go out and get agency approvals but we're going to impose a moratorium because we want to hold off on water right now.

MR. ARGENIO: Everybody, I'm sure you remember it, Neil?

MR. SCHLESINGER: Yeah, I remember, I think this has an expiration date.

MR. ARGENIO: Yeah, it has, we'll revisit it on October 3, 2008.

MR. SCHLESINGER: No, that's the way it is now.

MR. ARGENIO: That's what I'm proposing.

MR. SCHLESINGER: Yeah.

MR. MINUTA: So I'm clear, these are projects that are in construction?

MR. ARGENIO: Some of them are in construction and awaiting their last building permit or they're approved or they don't have final approval.

MR. MINUTA: From planning board.

MR. ARGENIO: Because they're waiting for outside agencies. It was 14 or 15, it's down to 4 now and I will have a motion that we--

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board adopt this resolution entitled Extending the Deadline Regarding Grandfathering of Pending Applications and it's only specifically applicable to the four applicants that I read in earlier a few minutes ago. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

January 24, 2007

59

MR. ARGENIO            AYE

MR. VAN LEEUWEN: I just spoke to Supervisor Green and the new zoning is imminent and will be done probably at the next board meeting.

MR. ARGENIO: Thank you. Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer